

House File 745 - Enrolled

PAG LIN

HOUSE FILE 745

1 1
1 2
1 3 AN ACT
1 4 RELATING TO THE CRIMINAL OFFENSE OF THEFT OF LEASED OR RENTED
1 5 PERSONAL PROPERTY AND MAKING PENALTIES APPLICABLE.
1 6

1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8

1 9 Section 1. Section 714.1, subsection 2, Code 2005, is
1 10 amended to read as follows:

1 11 2. Misappropriates property which the person has in trust,
1 12 or property of another which the person has in the person's
1 13 possession or control, whether such possession or control is
1 14 lawful or unlawful, by using or disposing of it in a manner
1 15 which is inconsistent with or a denial of the trust or of the
1 16 owner's rights in such property, or conceals found property,
1 17 or appropriates such property to the person's own use, when
1 18 the owner of such property is known to the person.

1 19 a. Failure by a bailee or lessee of personal property to
1 20 return the property within seventy-two hours after a time
1 21 specified in a written agreement of lease or bailment shall be
1 22 evidence of misappropriation.

1 23 b. If a time is not specified in the written agreement of
1 24 lease or bailment for the expiration or termination of the
1 25 lease or bailment or for the return of the personal property,
1 26 failure by a lessee or bailee to return the property within
1 27 five days after proper notice to the lessee or bailee shall be
1 28 evidence of misappropriation. For the purposes of this
1 29 paragraph, "proper notice" means a written notice of the
1 30 expiration or termination of the lease or bailment agreement
1 31 sent to the lessee or bailee by certified or restricted
1 32 certified mail at the address of the lessee or bailee
1 33 specified in the agreement. The notice shall be considered
1 34 effective on the date of the mailing of the notice regardless
1 35 of whether or not the lessee or bailee signs a receipt for the
2 1 notice.

2 2
2 3
2 4
2 5 CHRISTOPHER C. RANTS
2 6 Speaker of the House
2 7
2 8

2 9
2 10 JOHN P. KIBBIE
2 11 President of the Senate
2 12

2 13 I hereby certify that this bill originated in the House and
2 14 is known as House File 745, Eighty-first General Assembly.
2 15

2 16
2 17
2 18 MARGARET THOMSON
2 19 Chief Clerk of the House
2 20 Approved _____, 2005
2 21

2 22
2 23
2 24 THOMAS J. VILSACK
2 25 Governor